

## REMARKS

By the present amendment, Applicant has amended Claims 1 through 20. Claims 1-20 remain pending in the present application. Claims 1 and 19 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held August 11, 2004. The present response summarizes the substance of the interview. At the interview a proposed amendment to clarify the language of the claims was presented. Proposed amended independent Claim 1 set forth a beach umbrella towel having a towel and at least one pillow. The towel has a geometric shape selected from the group consisting of, but not limited to, a rectangle, a square, and a circle. An aperture is defined in the towel, located in a position selected from the group consisting of the center, an edge, and a corner. The at least one pillow has a shape selected from a rectangle, a circle, and an arc. The at least one pillow is movably coupled to said towel. The beach umbrella post is inserted in the aperture, and the at least one pillow is arranged proximate the aperture.

Proposed amended independent Claim 19 set forth a beach umbrella towel having a towel having a circular shape and a plurality of arcuate pillows. The towel defining a first aperture located adjacent an edge of the towel and equidistantly surrounded by at least four of said plurality of arcuate pillows. A second aperture is located opposite the first aperture and adjacent the edge of the towel, and having at least two of said plurality of arcuate pillows forming a semicircular shape adjacent and equidistantly from the aperture. A beach umbrella post is inserted in one of the apertures.

Arguments were advanced that the applied prior art did not anticipate, nor render obvious the claimed invention. Specifically, the applied prior art patent to Schwarz et al. discloses a beach towel with an aperture defined therein. The towel has a reinforcement ring surrounding the aperture. The reinforcement ring does not anticipate the at least one pillow of the instantly claimed invention. Chalk discloses a beach towel tote bag system having a sectional umbrella frame, a convertible beach towel/tote bag. When in the beach towel mode, an aperture is defined centrally therein, and the umbrella pole is inserted therethrough. Chalk does not disclose a pillow associated with the system. The secondary prior art reference to Lopes discloses a mat having a single pillow fixedly attached to the mat. It was discussed that there was neither suggestion nor motivation to combine the tote bag system of Chalk with the mat and pillow of Lopes. Further, the applied secondary prior art reference to Roper, III was discussed in that the element 16 surrounding the aperture was a rigid pole supporting member, that did not provide the structural features recited in the claims for the pillow surrounding the aperture. The Examiner indicated that by clearly reciting the limitation of the pillows be directed to stuffed pillows would defined the claimed invention over the applied prior art references under 35 U.S.C. 102(b). The Examiner also suggested that the claims be amended to reflect that the plurality of pillows be equidistantly spaced about the aperture. However, with regards to the proposed amendment and the subsequent discussion, although no agreement was reached as to the patentability of the claims, the Examiner will consider all arguments upon the filing of a formal response.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The Examiner rejected Claims 1, 2, 4, and 8 under 35 U.S.C. 102(b), as being anticipated by Schwarz et al. The Examiner rejected Claims 1-3, 5, 6, 10, 12, 13, 16, and 18 under 35 U.S.C. 103(a) as being unpatentable over Chalk in view of Lopes. The Examiner rejected Claim 7 under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al. The Examiner rejected Claims 9, 11, 14, 15, 19, and 20 under 35 U.S.C. 103(a) as being unpatentable over Chalk in view of Lopes, and further in view of Roper, III. The Examiner rejected Claims 14 and 17 under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al. in view of Roper, III. These rejections are respectfully traversed.

As discussed during the interview, Schwarz et al. discloses a beach towel with an aperture defined therein. The towel has a reinforcement ring 123 surrounding the aperture. The reinforcement ring 123 does not anticipate the at least one pillow of the instantly claimed invention with respect to Claims 1, 2, 4, and 8 under 35 U.S.C. 102(b). Further, with respect to the rejection of Claim 7 under 35 U.S.C. 103(a), Schwartz et al. there is no guidance or motivation found in the Schwarz et al. reference that would have led one having ordinary skill in the art, aside from Applicant's own disclosure, to arrive at Applicant's claimed invention. Applicant respectfully requests that these grounds of rejection be withdrawn.

Chalk discloses a beach towel tote bag system having a sectional umbrella frame, a convertible beach towel/tote bag. When in the beach towel mode, an aperture is defined

centrally therein, and the umbrella pole is inserted therethrough. Chalk does not disclose a pillow associated with the system. The secondary prior art reference to Lopes discloses a mat having a single pillow fixedly attached to the mat. There is no guidance, suggestion or motivation to combine the tote bag system of Chalk with the mat and pillow of Lopes. Further, the applied secondary prior art reference to Roper, III discloses an element 16 surrounding an aperture is a rigid pole support member. The support member does not provide the structural features, as recited in the claims that one having ordinary skill in the art would have arrived at the recited structure of the pillow surrounding the aperture. Applicant respectfully requests that these particular grounds of rejection be withdrawn.


Applicant has amended the claims in the instant application to more clearly define the invention. Applicant has also amended the claims in accordance with the Examiner's suggestion to recite the pillows as being stuffed pillows, and that the stuffed pillows are equidistantly spaced about the aperture. Applicant respectfully submits that for at least these reasons, Claims 1-20 are allowable over the prior art applied of record. Reconsideration of the claims in light of the amendments and for the foregoing reasons is respectfully requested.

*Application Serial No.: 10/749,547*  
*Art Unit: 3673*

*Attorney Docket No. 23745.00*  
*Confirmation No. 8755*

Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



Richard C. Litman  
Registration No. 30,868  
(703) 486-1000

RCL:DHT:wse